

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 05-486 (GMS)
	)	
THE TORO COMPANY,	)	
	)	
Defendant.	)	

**DECLARATION OF THOMAS J. LEACH**

OF COUNSEL:

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*Attorneys for Defendant  
The Toro Company*

Dated: August 16, 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

_____	)	
TEXTRON INNOVATIONS, INC ,	)	
	)	CIVIL ACTION NO. 05-486 (GMS)
Plaintiff,	)	
	)	
v.	)	
	)	
THE TORO COMPANY,	)	
	)	
Defendant.	)	
_____	)	

**DECLARATION OF THOMAS J. LEACH**

I, Thomas J. Leach, declare as follows:

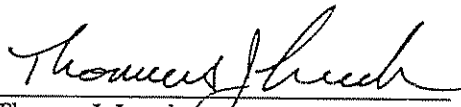
1. My name is Thomas J. Leach. I am an associate with the law firm of Merchant & Gould P.C., which represents Defendant The Toro Company, ("Toro") in the above captioned matter.
2. Attached hereto as Exhibit A is a true and correct copy of a press release dated November 4, 2003 titled "ZANETTI'S Back Bay Technologies and Textron to Provide Data Integration Solutions Full Data Integration Solutions to be Provided Best-of-Breed Technology."
3. Attached hereto as Exhibit B is a true and correct copy of an article dated February 18, 2003 titled "Textron Golf, Turf & Specialty Products Changes Name to Jacobsen."
4. Attached hereto as Exhibit C is a true and correct copy of the Complaint filed by The Toro Company against Textron, Inc. in the District of Minnesota on August 15, 2005.

5. Attached hereto as Exhibit D is a map from MapQuest showing that Tomah, Wisconsin is a 2 1/2 hours drive from The Toro Company's headquarters located in Bloomington, Minnesota
6. Attached hereto as Exhibit E is a true and correct copy of a map from MapQuest showing that Alma Wisconsin, is approximately 109 miles from the St. Paul Federal Courthouse in St. Paul, Minnesota.
7. Attached hereto as Exhibit F is a true and correct copy of the Textron, Inc. Contact Page located at [http://www.textron.com/about/company/contact\\_us.jsp](http://www.textron.com/about/company/contact_us.jsp), which identifies Textron, Inc.'s World Headquarters located in Providence, Rhode Island.
8. Attached hereto as Exhibit G is a true and correct copy of a map from MapQuest showing that Lake Mills, Wisconsin is a 4 1/2 hours drive from the St. Paul, Minnesota Federal Courthouse.
9. Attached hereto as Exhibit H is a true and correct copy of a map from MapQuest showing that Waterford, Wisconsin is a 5 1/2 hours drive from the St. Paul, Minnesota Federal Courthouse.
10. Attached hereto as Exhibit I is a true and correct copy of *Brunswick Corp., v Precor Inc.*, No. 00-0691, 2000 U.S. Dist. LEXIS 22222 (D. Del. Dec. 12, 2000).
11. Attached hereto as Exhibit J is a true and correct copy of a Toro product specification sheet regarding the accused tractors.
12. Attached hereto as Exhibit K is a true and correct copy of the August 16, 2005 printout from the website of <http://www.uscourts.gov/cgi-bin/cmsd2004.pl> site titled "U.S. District Court - Judicial Caseload Profile" for the District of Minnesota

13. Attached hereto as Exhibit L is a true and correct copy of the August 16, 2005 printout from the website of <http://www.uscourts.gov/cgi-bin/cmsd2004.pl> site titled "U.S. District Court - Judicial Caseload Profile" for the District of Delaware.
14. Attached hereto as Exhibit M is a true and correct copy of *At Home Corp. v. Cox Communs, Inc.*, 2003 U.S. Dist. LEXIS 18320 (D. Del. Oct. 8, 2003).
15. Attached hereto as Exhibit N is a true and correct copy of *Original Creatine Patent Co. v. Kaizen, Inc.*, No.02-271, 2003 U.S. Dist. LEXIS 988 (D. Del. Jan. 22, 2003).

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 16th day of August 2005.

  
Thomas J. Leach

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on August 16, 2005, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Edmond D. Johnson  
Peter B. Ladig  
The Bayard Firm  
222 Delaware Avenue, Suite 900  
Wilmington, DE 19801

I hereby certify that on August 16, 2005, I have Federal Expressed the documents to the following non-registered participants:

Scott L. Robertson  
Christopher C. Campbell  
Hunton & Williams LLP  
1900 K Street, N.W.  
Washington, DC 20006-1109

By: \_\_\_\_\_



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